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1 AMENDMENT TO SENATE BILL 929

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 929 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Coal Mining Act is amended by changing  
5 Sections 11.01, 19.11, 22.18, and 38.3 and the heading of  
6 Article 29 and by adding Sections 1.19, 1.20, 1.21, 1.22, 1.23,  
7 1.24, 10.08, 11.07, 11.08, 11.09, 11.10, 11.11, 13.16, 13.17,  
8 13.18, 29.05, 29.06, 29.07, 38.4, and 38.5 as follows:

9 (225 ILCS 705/1.19 new)

10 Sec. 1.19. "Lifeline cord" means a fire-retardant, nylon  
11 line of at least one quarter inch thickness, with cone-shaped  
12 directional indicators incorporated into it, that is  
13 permanently installed in an escape way and gives a clear  
14 indication of the direction out of a mine.

15 (225 ILCS 705/1.20 new)

16 Sec. 1.20. "Self-contained self-rescue (SCSR) device"  
17 means a breathing apparatus that contains a minimum of one hour  
18 of oxygen for one person and is approved by the Mine Safety and  
19 Health Administration of the U.S. Department of Labor and the  
20 Mining Board.

21 (225 ILCS 705/1.21 new)

22 Sec. 1.21. "Surface supervisor of an underground mine"

1 means a certified supervisor at a mine whose duties do not  
2 include the extraction of coal, but do include other activities  
3 resulting in the preparation of coal, supervision of  
4 construction or demolition of mine buildings, earth moving, gob  
5 moving projects, or other surface projects involving the  
6 supervision of people and machinery.

7 (225 ILCS 705/1.22 new)

8 Sec. 1.22. "Tag-line" means a nylon line of at least one  
9 quarter inch thickness that has mechanical clips or other  
10 suitable connecting devices incorporated therein that are  
11 spaced between 3 feet and 5 feet apart that allow a group of  
12 persons underground to attach themselves together.

13 (225 ILCS 705/1.23 new)

14 Sec. 1.23. "Rescue chamber" means a chamber within a mine  
15 that is properly constructed to protect against potential  
16 hazards in case of an emergency and is properly equipped with  
17 first aid materials, an oxygen-generating device capable of  
18 providing a minimum of 48 hours of oxygen for at least 10  
19 people, and proper accommodations for persons underground  
20 awaiting rescue, as determined by the Mining Board.

21 (225 ILCS 705/1.24 new)

22 Sec. 1.24. "Cache" means a storage facility within a mine  
23 that is properly constructed to store SCSR devices in case of  
24 an emergency for use by persons underground in emergency  
25 situations, as determined by the Mining Board.

26 (225 ILCS 705/10.08 new)

27 Sec. 10.08. Use of telecommunications center. In order to  
28 ensure a quick and efficient means of effectively disseminating  
29 duties and responsibilities to those agencies involved in  
30 mining emergency response, the Department shall use the

1 telecommunications center maintained by the Illinois Emergency  
2 Management Agency to notify agents of the Department and other  
3 State, federal, and local agencies in the event of an emergency  
4 in or about any coal mine. The Illinois Emergency Management  
5 Agency, in conjunction with the Mining Board, shall establish  
6 procedures concerning the manner in which the Illinois  
7 Emergency Management Agency shall record pertinent information  
8 regarding a mining emergency, determine the urgency of a call,  
9 and forward information to the Department.

10 (225 ILCS 705/11.01) (from Ch. 96 1/2, par. 1101)

11 Sec. 11.01. Mine rescue stations. For the purpose of  
12 providing prompt and efficient means of fighting fires and of  
13 saving lives and property jeopardized by fires, explosions or  
14 other accidents in coal mines in Illinois, there shall be  
15 constructed, equipped and maintained at public expense 4 ~~four~~  
16 mine rescue stations, certified by the Mine Safety and Health  
17 Administration of the U.S. Department of Labor, to serve the  
18 coal fields of the State. Notwithstanding any other law of this  
19 State, the primary responsibility for the control and  
20 maintenance of the mine rescue stations shall be vested with  
21 the Department. Each station shall be equipped with a mobile  
22 mine rescue unit. The Department may establish, equip and  
23 maintain three additional substations for preservation of  
24 health and safety if the conditions warrant. Temporary  
25 certification may be issued by the Mining Board for a maximum  
26 of 6 months after the effective date of this amendatory Act of  
27 the 94th General Assembly.

28 (Source: P.A. 87-895.)

29 (225 ILCS 705/11.07 new)

30 Sec. 11.07. Rescue teams. Rescue teams shall be based out  
31 of each mine rescue station to serve the Illinois coal industry  
32 as either a primary or secondary responder. Every operator in

1 the State must provide employees to serve on a rescue team and  
2 must compensate these employees who are serving as rescue team  
3 members at their regular rate of pay.

4 (225 ILCS 705/11.08 new)

5 Sec. 11.08. Self-contained self-rescuer (SCSR) devices;  
6 cached; strobe lights; luminescent signs.

7 (a) An operator must require each person underground to  
8 carry a SCSR device on his or her person or, alternatively, a  
9 SCSR device must be kept within 25 feet of the person  
10 underground or may be kept more than 25 feet from the person  
11 underground if done according to a plan approved by the Mining  
12 Board.

13 (b) An operator must provide for each person who is  
14 underground at least one SCSR device, in addition to the device  
15 required under subsection (a), that provides protection for a  
16 period of one hour or longer, to cover all persons in the mine.  
17 This additional SCSR device must be kept within 25 feet of the  
18 person underground or may be kept more than 25 feet from the  
19 person underground if done according to a plan approved by the  
20 Mining Board.

21 (c) If a mantrip or mobile equipment is used to enter or  
22 exit the mine, additional SCSR devices, each of which must  
23 provide protection for a period of one hour or longer, must be  
24 available for all persons who use such transportation from  
25 portal to portal.

26 (d) If the SCSR devices required under subsections (a),  
27 (b), and (c) are not adequate to provide enough oxygen for all  
28 persons to safely evacuate the mine under mine emergency  
29 conditions, the mine operator must provide additional SCSR  
30 devices in the primary and alternate escapeways to ensure safe  
31 evacuation for all persons underground through both primary and  
32 alternate escapeways. The Mining Board must determine the time  
33 needed for safe evacuation under emergency conditions from each

1 of those locations at 1,000 foot intervals. The mine operator  
2 must submit a SCSR storage plan to the Mining Board for  
3 approval. The mine operator must include in the SCSR storage  
4 plan the location, quantity, and type of additional SCSR  
5 devices, each of which must provide protection for a period of  
6 one hour or longer, that are stored in the primary and  
7 alternate escapeways. The SCSR storage plan must also show how  
8 each storage location in the primary and alternate escapeways  
9 was determined. The Mining Board must require the mine operator  
10 to demonstrate that the location, quantity, and type of the  
11 additional SCSRs provide protection to all persons to safely  
12 evacuate the mine. The SCSR storage plan must be kept current  
13 by the mine operator and made available for inspection by an  
14 authorized representative of the Mining Board and by the  
15 miners' representative.

16 (e) All SCSR devices required under this Section shall be  
17 stored in caches that are conspicuous and readily accessible by  
18 each person in the mine.

19 (f) An operator must require luminescent direction signs  
20 leading to each cache and rescue chamber to be posted in a  
21 mine, and a luminescent sign with the words "SELF-CONTAINED  
22 SELF-RESCUER" or "SELF-CONTAINED SELF-RESCUERS" must be  
23 conspicuously posted at each cache and rescue chamber.

24 (g) Intrinsically safe, battery-powered strobe lights must  
25 be affixed to each cache and rescue chamber and must be capable  
26 of automatic activation in the event of an emergency.

27 (h) The Mining Board shall adopt and impose all federal  
28 requirements concerning the testing and storage of the SCSR  
29 devices.

30 (i) Any person who, without the authorization of the  
31 operator or the Mining Board, knowingly removes or attempts to  
32 remove any self-contained self-rescue device or  
33 battery-powered strobe light approved by the Department from a  
34 mine or mine site with the intent to permanently deprive the

1 operator of the device or light or who knowingly tampers with  
2 or attempts to tamper with the device or light is guilty of a  
3 Class 4 felony.

4 (j) Beginning January 31, 2007, in addition to the SCSR  
5 devices required under subsections (a), (b), and (c), an  
6 operator must provide a minimum of 30 SCSR devices in each  
7 cache located within a mine, in addition to federal Mine Safety  
8 and Health Administration requirements. Caches must be located  
9 no more than 4,000 feet apart throughout a mine.

10 (k) An operator must submit for approval a plan addressing  
11 the requirements of subsection (j) of this Section to the  
12 Mining Board within 3 months after the effective date of this  
13 amendatory Act of the 94th General Assembly.

14 (225 ILCS 705/11.09 new)

15 Sec. 11.09. Rescue chambers.

16 (a) Rescue chambers approved by the Mining Board must be  
17 provided at suitable locations throughout a mine.

18 (b) Beginning January 31, 2007, rescue chambers approved by  
19 the Mining Board must be provided and located within 3,000 feet  
20 of each working section of a mine.

21 (c) An operator must submit a plan for approval concerning  
22 the construction and maintenance of rescue chambers required  
23 under this Section to the Mining Board within 3 months after  
24 the effective date of this amendatory Act of the 94th General  
25 Assembly.

26 (225 ILCS 705/11.10 new)

27 Sec. 11.10. Materials for barricade. Each working section  
28 of a mine must have an emergency sled or wagon located no more  
29 than 1,000 feet from the working faces of the mine with the  
30 following materials and amounts in constant supply:

31 (1) 8 timbers of suitable length or roof jacks of equal  
32 capability;

- 1           (2) 200 linear feet of brattice cloth of adequate  
2           height to the coal seam;
- 3           (3) 2 hand saws;
- 4           (4) 20 1 x 6 brattice boards at least 12 feet long  
5           each;
- 6           (5) 10 pounds of 10d nails;
- 7           (6) 10 pounds of 16d nails;
- 8           (7) 10 pounds of spads;
- 9           (8) 25 cap boards;
- 10          (9) 20 header boards;
- 11          (10) 2 axes;
- 12          (11) 2 claw hammers;
- 13          (12) one sledge hammer;
- 14          (13) one shovel;
- 15          (14) 10 bags of wood fiber plaster or 5 bags of cement  
16          or the equivalent;
- 17          (15) 4 sets of rubber gloves; and
- 18          (16) 5 gallons of sealed, distilled drinking water.

19           (225 ILCS 705/11.11 new)

20           Sec. 11.11. Rulemaking. The Mining Board shall adopt all  
21           rules necessary for the administration of this Article.

22           (225 ILCS 705/13.16 new)

23           Sec. 13.16. Tag-lines. Tag-lines must be provided in every  
24           working section of a mine and on any vehicle capable of hauling  
25           4 or more people within the mine.

26           (225 ILCS 705/13.17 new)

27           Sec. 13.17. Methane extraction.

28           (a) In this Section:

29           "Blowout preventer" means an emergency shut-off valve  
30           installed on the wellhead during the drilling or testing of  
31           a well that incorporates hydraulic pipe rams capable of

1 closing the space around the drillpipe against very high  
2 pressure.

3 "Conductor pipe" means a short string of  
4 large-diameter casing used to keep the top of the wellbore  
5 open and to provide a means of conveying the up-flowing  
6 drilling fluid from the wellbore to the mud pit.

7 "Gas detector" means a mechanical, electrical, or  
8 chemical device that automatically identifies and records  
9 or registers the levels of various gases.

10 (b) Methane extraction from sealed areas of active mines or  
11 abandoned mines that are attached to active working mines must  
12 include a conductor pipe cemented in place, a blowout  
13 preventer, and a gas detector.

14 (225 ILCS 705/13.18 new)

15 Sec. 13.18. Non-production related bore holes exempt.  
16 Non-production related bore holes that are drilled or operated  
17 by an operator and are intended for the safety or maintenance  
18 of a mine are exempt from this Act.

19 (225 ILCS 705/19.11) (from Ch. 96 1/2, par. 1911)

20 Sec. 19.11. Travelable passageways; obstructions;  
21 ventilation of escape ways. There shall be at least two  
22 travelable passageways, to be designated as escape ways, from  
23 each working section to the surface whether the mine openings  
24 are shafts, slopes, or drifts. At least one of these  
25 passageways must be equipped with a lifeline cord. Escape ways  
26 ~~They~~ shall be kept in safe condition for travel and reasonably  
27 free from standing water and other obstructions. One of the  
28 designated escape ways may be the haulage road. One of the  
29 escape ways shall be ventilated with intake air. At mines now  
30 operating with only one free passageway to the surface,  
31 immediate action shall be taken to provide a second passageway.  
32 The return air passageway to the surface must be marked with

1 reflectors or other appropriate signage, as approved by the  
2 Department.

3 (Source: Laws 1953, p. 701.)

4 (225 ILCS 705/22.18) (from Ch. 96 1/2, par. 2218)

5 Sec. 22.18. Vehicle for transporting workforce and injured  
6 persons. A vehicle suitable for transporting all persons  
7 underground working on a unit and injured persons shall be  
8 maintained in ~~on~~ each underground working section ~~where workers~~  
9 ~~are working for use in case of accident.~~

10 (Source: P.A. 79-460.)

11 (225 ILCS 705/Art. 29 heading)

12 ARTICLE 29. TELEPHONE AND WIRELESS COMMUNICATION SYSTEMS

13 (225 ILCS 705/29.05 new)

14 Sec. 29.05. Wireless emergency communication devices. A  
15 wireless emergency communication device approved by the Mining  
16 Board must be worn by each person underground. The operator  
17 shall provide these devices. The wireless emergency  
18 communication device must, at a minimum, be capable of  
19 receiving emergency communications from the surface at any  
20 location throughout the mine. Each operator must provide for  
21 the training of each underground employee in the use of the  
22 device and, annually, provide a refresher training course for  
23 all underground employees. The operator must install in or  
24 around the mine any and all equipment necessary to transmit  
25 emergency communications from the surface to each wireless  
26 emergency communication device at any location throughout the  
27 mine.

28 An operator must submit for approval a plan concerning the  
29 implementation of the wireless emergency communication devices  
30 required under this Section to the Mining Board within 3 months  
31 after the effective date of this amendatory Act of the 94th

1 General Assembly.

2 Any person who, without the authorization of the operator  
3 or the Mining Board, knowingly removes or attempts to remove  
4 any wireless emergency communication device or related  
5 equipment approved by the Mining Board from the mine or mine  
6 site with the intent to permanently deprive the operator of the  
7 device or equipment or who knowingly tampers with or attempts  
8 to tamper with the device or equipment is guilty of a Class 4  
9 felony.

10 (225 ILCS 705/29.06 new)

11 Sec. 29.06. Wireless tracking devices. A wireless tracking  
12 device approved by the Mining Board must be worn by each person  
13 underground. The operator shall provide these devices. The  
14 tracking device must be capable of providing real-time  
15 monitoring of the physical location of each person underground  
16 in the event of an accident or other emergency. No person may  
17 discharge or discriminate against any underground employee  
18 based on information gathered by a wireless tracking device  
19 during non-emergency monitoring. Each operator must provide  
20 for the training of each underground employee in the use of the  
21 device and provide refresher training courses for all  
22 underground employees during each calendar year. The operator  
23 must install in or around the mine all equipment necessary to  
24 provide real-time emergency monitoring of the physical  
25 location of each person underground.

26 An operator must submit for approval a plan concerning the  
27 implementation of the wireless tracking devices required under  
28 this Section to the Mining Board within 3 months after the  
29 effective date of this amendatory Act of the 94th General  
30 Assembly.

31 Any person who, without the authorization of the operator  
32 or the Mining Board, knowingly removes or attempts to remove  
33 any wireless tracking device or related equipment approved by

1 the Mining Board from a mine or mine site with the intent to  
2 permanently deprive the operator of the device or equipment or  
3 who knowingly tampers with or attempts to tamper with the  
4 device or equipment is guilty of a Class 4 felony.

5 (225 ILCS 705/29.07 new)

6 Sec. 29.07. Mine Technology Task Force; provision of rescue  
7 chambers and wireless devices.

8 (a) The Director shall establish a Mine Technology Task  
9 Force composed of representatives of an organization  
10 representing mine employees, coal operators, academia, and the  
11 communications industry. Each group shall submit the name of  
12 its representative to the Director. The task force shall review  
13 and make recommendations to the Mining Board regarding the best  
14 available mine safety technologies, including, but not limited  
15 to, rescue chambers, wireless communications equipment, and  
16 wireless tracking devices for use in underground mines. The  
17 task force shall submit its initial findings to the Mining  
18 Board within 3 months after the effective date of this  
19 amendatory Act of the 94th General Assembly.

20 (b) Rescue chambers, wireless emergency communications  
21 devices, and wireless tracking devices must be provided in each  
22 underground mine within 90 days after the equipment is approved  
23 by the federal Mine Safety and Health Administration. To the  
24 extent that any of these devices have already been approved by  
25 the federal Mine Safety and Health Administration, the operator  
26 shall provide the equipment in each underground mine within 90  
27 days after the effective date of this amendatory Act of the  
28 94th General Assembly.

29 (c) A temporary waiver of the requirements of subsection  
30 (b) of this Section of up to 90 days may be issued by the Mining  
31 Board if (i) the mine operator submits to the Mining Board a  
32 receipt of the product order and (ii) the manufacturer has  
33 certified that the product will be delivered within 90 days of

1 the product order.

2 (225 ILCS 705/38.3) (from Ch. 96 1/2, par. 3803)

3 Sec. 38.3. Surface mine supervisor ~~Supervisors~~. On or after  
4 September 1, 1977, it shall be unlawful for any operator of a  
5 surface coal mine to employ, in a supervisory capacity listed  
6 below any person who does not hold a certificate of competency  
7 issued by the Mining Board.

8 Those persons assigned to supervise:

- 9 (a) Overburden stripping  
10 (b) Drilling and shooting  
11 (c) The pit coal loading operation  
12 (d) Reclamation work at the mine.

13 Each applicant must have a minimum of 2 years of surface  
14 mining experience and pass an examination, administered by the  
15 Mining Board, based on Illinois State Mining Law as it pertains  
16 to his responsibilities. Temporary certification will be  
17 provided by the Mining Board for persons with at least 2 years  
18 surface mining experience up to the time of the next  
19 examination or up to a maximum of 6 months.

20 (Source: P.A. 79-460; 79-1505.)

21 (225 ILCS 705/38.4 new)

22 Sec. 38.4. General surface supervisor of an underground  
23 mine. On or after July 1, 2006, it shall be unlawful for an  
24 operator of an underground coal mine surface facility or a coal  
25 preparation plant or a contractor engaged in the construction,  
26 demolition, or dismantling of an underground coal mine surface  
27 facility or a coal preparation plant to employ, in a  
28 supervisory capacity, any person who does not hold a  
29 certificate of competency issued by the Mining Board to oversee  
30 any of the following activities:

31 (1) Coal preparation and storage.

32 (2) Mine equipment storage and repair.

1           (3) Mobile equipment operation.

2           (4) Site construction, demolition, or dismantling  
3           operations.

4           Each applicant for a certificate as a general surface  
5           supervisor of an underground mine must have a minimum of 2  
6           years of work experience at a coal mine surface facility or  
7           coal preparation plant. In addition to the work experience  
8           requirement set forth in this Section, a contractor engaged in  
9           the construction, demolition, or dismantling of surface  
10           structures must successfully complete an examination  
11           concerning the Department's health and safety regulations as  
12           these regulations pertain to the contractor's  
13           responsibilities, which shall be administered by the Mining  
14           Board. Temporary certification may be issued by the Mining  
15           Board for persons with at least 2 years of the required work  
16           experience and shall be valid until the time of the next  
17           examination or for a maximum of 6 months, whichever is shorter.

18           (225 ILCS 705/38.5 new)

19           Sec. 38.5. Independent contractor supervisor. On or after  
20           July 1, 2006, it shall be unlawful for an operator of an  
21           underground coal mine surface facility or a surface coal mine  
22           facility to employ an independent contractor who does not have  
23           an independent contractor supervisor certificate issued by the  
24           Mining Board to oversee and supervise the work for which the  
25           services of an independent contractor have been obtained,  
26           including, but not limited to, work in the area of  
27           construction, demolition, repair or maintenance, or major  
28           renovations of existing facilities or other heavy or extensive  
29           work planned for an extended period of time.

30           Each applicant for an independent contractor supervisor  
31           certificate must provide proof of at least 2 years of  
32           experience in independent contract work at surface mines or at  
33           the surface of underground mines and successfully complete an

1 examination based on the mining laws of this State as these  
2 laws pertain to the applicant's responsibilities, which shall  
3 be administered by the Mining Board. Temporary certification  
4 may be issued by the Mining Board for persons with at least 2  
5 years of the required work experience and shall be valid until  
6 the time of the next examination or for a maximum of 6 months,  
7 whichever is shorter.

8 Independent contractors employed to engage in routine  
9 maintenance work within a facility, including, but not limited  
10 to, plumbing repair, roof repair, and carpentry work, are not  
11 required to possess an independent contractor supervisor  
12 certificate to engage in such routine maintenance work within a  
13 facility.

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.".